

5-1971

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INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

# Public Affairs

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Issue No. 17

INDIANA UNIVERSITY SCHOOL OF LAW

May, 1971

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## Editorial

The faculty recently approved the curriculum committee's revised program for first-year students after an extensive period of debate and compromise (for the results, see the news section). While this marked a landmark transgression out of the realm of antiquity, I.U. has not reached the zenith of modern educational levels just yet.

The faculty must remember the primary purpose for their being here: education of students. Dean Harvey commented in his "State of the Law School" speech that only 10 of 240 freshmen have quit since September. This indicates the sincerity of the school's student body, and the law boards and g.p.a.'s show its abilities. With this background teachers need not feel the legal profession will be flooded with inept esquires and honorables unless they fail an annual quota. Therefore, unless the administration feels enrollment is more than the school can handle (and we pray it never admits that many applicants), the necessity for flunking students must be based solely on performance. And while it is not so much how the faculty evaluates performance that bothers us (notwithstanding the assumption that the exam number system guarantees equal treatment), the performance that the faculty requires in the first place does.

This law school is steeped in the tradition of the one course - one test dogma, whether the course be fifteen weeks or thirty, two hours or six. Consequently, a student goes through the whole semester without knowing whether he grasps the material correctly or not, and with some teachers he'll go another two months before he finds out (This assumes only for the moment that the test is fair, but how can a four hour test exemplify a student's knowledge in contracts, constitutional law, or even income tax?) We students hear from professors that the purpose of the examination is two-pronged--evaluation and feedback. But in practice they accomplish neither. One test of three or four hour duration cannot possibly evaluate a student's working knowledge of a subject properly. And testing students once at the end of a semester is not the best method of feedback. Would it not be better to know whether one understands the material 2/3 of the way through the course, with time to improve, than one or two months after the course is completed? Feedback is an integral part of education, and if that is why teachers and students are here, then let feedback become a bigger part of our process.

We commend the faculty for its new discovery that thirty-two hours during the first year is cruel and unusual punishment. We disapprove its continuation of contracts and civil procedure as two semester courses, especially without the demand for a graded evaluation with feedback after one semester. We recommend a better system of feedback based on school policy rather than individual teacher preferences (we appreciate the efforts of those who have tried mid-course tests and problems). And lastly, we wish to thank and congratulate the curriculum committee for a job well done.

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THE STAFF FOR 1971

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Special Assistance and Sincerest Thanks: Dean W.B. Harvey,  
The Secretarial Pool

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# Items:

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## LAW REVIEW

by Stephen Paul

As the school year comes to a close it is perhaps a good time to set forth the policy of the Law Journal concerning student contributions. The Journal has always actively solicited contributions from non-Journal members. Next year will be no exception.

All contributions will be carefully read and given full consideration. The deadline for the Fall issue will be in early October; therefore, all drafts should be submitted at the beginning of the fall semester next August. Any student who wishes to contribute to the Journal should contact Howard Sandler anytime before the start of the fall semester.

The following have been elected to the Board of Editors of the Indiana Law Journal for 1971-72.

Editor-in-Chief	Stephen H. Paul
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## SBA ELECTIONS

The SBA held a surprise election on May 12 for officers for next year. The election was originally scheduled for May 3, but no one bothered to hold it when the time came. Rumors of a coup d' etat went flashing through the school, but were dispelled when the unannounced balloting took place on the 12th.

The new officers are:

Pres:	Mike Huston
Vice Pres:	Gary Brown
Secretary- Treasurer	Tom Zoss
Senior Rep:	Steve Sherman
Junior Rep:	Tom Clancy

The Appeal, (and the editor-in-chief especially) extend our heartiest congratulations and sincerest best wishes to the new officers. We hope these men give this school the leadership it needs in the coming year.

\* \* \* \* \*

## CHANGES IN FIRST YEAR CURRICULUM

At its April 20th meeting, the faculty adopted a proposal by the Curriculum Committee which will substantially alter the present first year curriculum. As a result, the requirements for the members of next years freshman class will be as follows:

### 1st SEMESTER

Contracts I	3	3 hrs.
Civil Procedure		3 hrs.
Torts		4 hrs.
Constitutional Law		3 hrs.
Legal Writing		<u>1 hr.</u>
		14 hrs.

### 2nd SEMESTER

Contracts II	3 hrs.
Civil Procedure III	3 hrs.
Moot Court	1 hr.
(Elective to be chosen by the student	<u>-5-8 hrs.</u>
	12-15 hrs.

First year students will now be exposed to fewer courses in the fall semester and will have some opportunities to elect courses in the spring semester. The Legal Writing program will not be integrated into one of the other first year courses unless it can be arranged on a voluntary basis with interested first year teachers.

The Curriculum Committee felt that it was important to have a public law component in the first year and for that reason Constitutional Law was made a required first semester course. Legislation, Property and Criminal Law will no longer be required courses.

One question which is still unresolved is whether examinations will be given in Contracts and Civil Procedure at the end of the first semester. Recommendations from the teachers of these courses will be considered before any decision is reached on this question.

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#### LAW DAY BANQUET

Saturday, May 1, the SBA held it's annual Law Day Banquet. Justice Donald Hunter of the Indiana Supreme Court was the guest speaker at the event held in the Bloomington Country Club.

Order of the Coif awards were announced by Prof. Schornhorst. Recipients will be:

Neil Irwir	Judy Mitnick
Larry Lindhart	Milt Stewart
Bob Long	Ira Zinman
Darrell McDaniel	

(More names may be added after final grades are out)

The Gavel award was presented to Mrs. Evelyn Leffler by the senior class, marking the first time it has been given to the same person twice.

The SBA Presidents Award was presented jointly this year to Milt Stewart and Steve Trattner by Dick Boyle, SBA president.

Also a gift of \$2,100 was made by the SBA to Dean Harvey for Scholarships next year.

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#### PHI DELTA PHI

Phi Delta Phi International Legal Fraternity announces the addition of the following students into membership as pledges.

Bill Bryan	Bob Moynahan
Kathy Buck	William Roessler
Greg Carter	Greg Silver
John Chappell	Andrew Sonneborn
Tom Cornwell	Doug VanWinkle
Vivian Gross	Bruce Wackowski
Dave Kelley	Roosevelt Warren
Dave McCullough	Philip Zorn

Two \$100 prizes were awarded for second and third year members with the highest grades in their first and second year respectively. These awards were given to Dave Scott and Wade Bosely. Next year these awards will be \$200 a piece. Also there will be four \$500 interest free loans available to members next year.

## ESTATE PLANNING CONTEST

Each year Merchants National Bank of Indianapolis holds a contest for the members of the Estate Planning Seminar and hosts a Banquet to award \$250 in prizes to the winners of this contest. This year recipients at the May 6 Banquet were:

First: George Winwood  
Second: Jack Walkey  
Third: Richard Woods  
Fourth: Rory O'Bryan

\* \* \* \* \*

## P.A.D.

Adams Chapter of Phi Alpha Delta Law Fraternity International was recognized as the most outstanding Chapter of District X at the District Conclave, April 2 and 3, at the Marriott Inn, Columbus, Ohio.

To be eligible for this honor, a chapter must exhibit leadership in such areas as rush and professional programs.

Cliff Holleran, Jim McHie, George Henry, Kathy Hoehn, Steve Thompson, Joe Brownlee and Rick Halpert represented Adams at the Conclave.

P.A.D. members from Indianapolis, University of Louisville, Chase, Capital University, University of Kentucky, Ohio State, and University of Illinois law schools also attended the activities which included a speech on legal ethics by the Honorable C. William O'Neill, Chief Justice, Ohio Supreme Court and workshops concerning professional and social programs, rushing and initiation, alumni relations and the well-rounded Chapter.

Rick Halpert received an award for his participation in the oratorical contest. His topic was "the Effects of Admitting Women into the Fraternity."

Adams Chapter was selected to host the 1972 District Conclave next spring at I.U.

Thirty-five I.U. law students were initiated into P.A.D. on April 16 in the Superior Court Room of the Monroe County Courthouse.

Professors Edwin Greenbaum, Alan Schwartz and Ed Sherman became honorary fraternitly members.



New P.A.D. actives are:

George Norman Bewley, Jr.  
Michael E. Boonstra  
Charles F. Busse  
Stephen James Cloud  
Elsa Ray Durham  
James E. Easterday  
Howard William Feldman  
George Arthur Fruit  
Jeffrey N. Goldstein  
Richard L. Halpert  
Gary Dan Hansen  
George L. Henry  
Kathleen Cory Hoehn  
Michael Joe Huston  
James William Jett  
Alan L. Johns  
Barbara Jean Kelley

Robert William Lauritzson  
Robert Lee Lewis  
John Lobus  
William J. Lock  
Alphonso Manns  
Michael T. McLoughlin  
Anthony J. Metz, III  
Bernard Marc Mogilanski  
Richard W. Moore  
David Porter Murphy  
Thomas L. Nolan  
Richard Wright Prather  
Charles Russell Rubright  
Robert L. Scott  
Randolph Lee Seger  
David A. Shaw  
Robert Hart Stromberg  
Robert Edward Zoss

Other recent P.A.D. activities have been the Spring Fling Picnic at Mc Cormick's Creek State Park and the Indianapolis Police Ride Program.

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# Commutativity:

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THE ELEPHANT

Ronald Payne

## Interview No. 1

Q. Good afternoon, sir. My name is Freddy and I'm from Rope-a-mind Law School in Looneyton, Indiana. I'd like to ask you a few questions in connection with a survey I'm taking about the law in America today. May I have your name, sir?

A. Harry Freak.

Q. Mr. Freak, what is your opinion about the effect the law, the way it's implemented, and any changes, if any, that might improve it.

A. Hey man--it blows my mind. Why? Because it won't let me be free. The Constitution is supposed to guard my rights--but the Constitution doesn't run by itself y'know. The Constitution is cool as long you don't step out of line. But dig--who's defining when you step out of line. In other words the law won't let me do my thing.

Q. Harry--uh--what's your thing?

A. My thing is my thing--unless it interferes with somebody else. Moreover, the state ought to put the screws to the privileged few and dig on the needs of the people so they can do their thing. Y'know?!

Q. I understand what you're saying. (I think)

A. That's real hep. Want a drag man?

Q. No Harry, I don't think so. Thanks for the interview. Goodbye.

## Interview No. 2

Q. Hello ma'am. Sorry to bother you but I wonder if you'd mind answering a few questions in connection with a survey I'm taking.

A. No, not at all.

Q. May I have your name please?

A. Why yes. Mrs. SM'Jority. The "S" is silent.

Q. I see. Mrs. SM'Jority what is your opinion about the law in America today?

A It's rather confusing to me really. It seems as if everyone thinks it is outmoded and unfair. I have no problems with it. My husband works everyday from 8 to 5. We have a nice two story split-level in the suburbs. We go to church and make sure our children eat their Wheaties and mind their manners. People ought to respect the law. At least that's what our vice-president says. Zero is so smart. His vocabulary is unbelievable. Don't you think?

Q Oh . . . yes m'am. In fact Zero is unbelievable . . . uh . . . thank you m'am.

Interview No. 3

Q Excuse me sir. Could I have your opinion concerning the law in America today?

A Fire away.

Q Your name please.

A B. Uptight.

Q Mr. Uptight do you think the Constitution is being executed properly in your community?

A Yeh--like--uh--it's bein' executed alright--slowly but surely. In our community it's been dead a long time!

Q Why do you say that?

A Hey dude--it's like this. The sisters and brothers don't need to read no book! Or get into no heavy rap about whether they got they rights. Y'know. Folks get hit over the head for breathin' around here. Not enough food--ain't no jobs--poverty everywhere--Now sumpin' just ain't right! They got the roaches to wake them in the mornin, and the rats to dream about at night. Frustrated, tired of believin' lies--they steal, rob, fight, and beg for bigger Welfare Checks. --and you ask me what they think of the law!! Hey man--they don't think--they know it's f\_\_ked up!

Q Thanks brother.

Interview No. 4

Q Hello sir. I'm sure you're busy but I would just like to ask you a few questions about the law in America today.

A Sure Son.

Q Could I have your name please?

A Of course. Gains, Capital.

Q Mr. Gains, what is your opinion about the law, government implementation of the law, and the major issues confronting the legal structure such as crime, welfare, etc?

A Son, as a corporation president I can tell you this country is headed for trouble. Hard work. Discipline. That's what we need. All this Socialism--welfare--goes against the American Grain. My ancestors came here in the 18th Century and our family believes in work--not subsidy.

Q But Mr. Gains doesn't your corporation receive subsidy from the Government?

A Uh . . . well yes . . . but that's just a little financial game we play. Y'know--for the good of the country. But all this welfare leads to crime. The long haired have been spoiled. They think money--food--shelter just was always here. The Government needs to tighten it's belt.

Q Yes sir--Thank you.

#### Interview No. 5

Q Sir, I'd like to ask you a few questions. Do you mind?

A No, as a matter of fact I don't.

Q Could I have your name sir?

A Mr. Con Gressman.

Q Yes. Mr. Gressman, as a politician what is your opinion about the Constitution and the law today.

A O say can you see, by the dawn's early light. What . . . 

Q Sir, what do you think of the 18 year old vote? How will it effect elections?

A  Power to the People . . . Power to the People, Right on. 

Q Uh-huh. Thank you.

#### Interview No. 6

Q Professor, may I speak with you a minute. Tell me . . . what's your opinion about the law and its value in America today?

A If I understand your question correctly, I would say the principles upon which this country was founded are subject to a multiplicity of interpretations. Today, there is no clearly deferred principle and therefore there's confusion. But that's too simplistic. You need emperical data--a working hypothesis and above all time for your conclusions to evolve. Who knows if the law is working. I can't say.

Q Do you think things could be better or worse?

A What is "better," what's "worse?"

Q Well--does the law reflect the feelings of the people?

A What do you think?

Q Just answer my questions please.

A What's a question?

Q Oh WOW!

Interview No. 7

Q Mr. and Mrs. Avant Gardenstein how do you feel about the law in America today?

A You ask us about the law?! I'll tell ya. It stinks!--that's what it does. David and I have devoted out talents to liberal causes.

Q What are your talents?

A We make money.

Q Oh. Well, what can the law do to improve things?

A Look--all they gotta do is let everybody have everything they want.

Q What's your opinion Mr. Gardenstein?

A Let 'em starve.

A David!

Q What about the war?

A The war is immoral and besides who needs it.

Q Is she right Mr. Gardenstein?

A Would she lie?! Right on.

Q Right. Thanks

End of Interviews--Talk with law student.

Well Dwayne--I finished my opinion survey about the law.

What's the consensus Fred?

It seems as if the Constitution is view the same way the blind man viewed the Elephant. Only thing that bothers me--is that the Constitution might become a White Elephant or has it been one all the time?

May be--on the other hand maybe not. I think the issue is whether . . .

Thanks Dwayne--but--uh save it for class. O.K?!

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#### LET'S HEAR FROM THE OUTSIDE WORLD

Learn that theory, you gunners!! Then you'll be all ready to go out and start learning all over again, this time about real life.

It's come to our attention that a number of students would like to know more about the practice of law through something other than the Socratic method. (HEAVEN forbid) More specifically they'd like to have guest speakers like practicing attorneys and judges.

People who work in a specific field every day could give very enlightening examples and explanations of their work. No doubt, the faculty could probably give us an accurate description of the practical side of the law. However it would "hit home" better from someone presently practicing.

The problem at this school is that unless a guest speaker is a real legal or political superstar, there's hardly enough attendance to justify his or her presence.

A program involving guest speakers might be more successful if done in specific classes during the class periods. Professor Getman has done this successfully in his Labor Law II class this semester and so has Professor Sherman in Military Law.

Hopefully programs like this would not cut into a professor's precise classwork schedule too much. This could be a problem since it seems as if we do a great deal of catching up at semesters end in many courses as it is.

Nonetheless, more contact with members of the profession outside law school can't hurt us too much and in order to generate interest in them, the contact should be in the classroom and open to anyone interested.

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POST MORTEM

or

"What have you done for me lately?"

Dick Boyle

This is, I suppose, my last opportunity to say anything in The Appeal in an official capacity since the SBA elections have just taken place--albeit belatedly--and the transition to a new group of officers is taking place.

It has been my contention for some time--and remains so--that the most noticable and detrimental lack in the great law school scheme of things is some form of positive reinforcement. I suppose we should all be big boys and girls and learn to live without our gold star behind our name, thereby learning to cope with LIFE. Still, it's nice to get a figurative pat on the back once in a while and the only types of reinforcement available in our often destructive and pressurized environment are either: neutral (absence of negative, like apolitical), negative (unfortunately all too common), or self-imposed (the spark that spreads when you find something you're genuinely interested in and no longer need the carrot or the whip).

Therefore, the purpose of this hopefully brief article is neither to recap the accomplishments of the year nor to get in my last licks at all the ankle biters, but rather to say "Thank you very much" to some individuals who have given their time and energy to the organization in some way during the year. The need for this is generated primarily by my appreciation and by default--in that, if I don't do it, it's for sure no one else will. First a disclaimer and an apology in advance in as much as I am bound to forget someone who deserves to be recognized. (In alphabetical order):

Gary Brown: Thanks for showing up at meetings and for having a tough enough hide to run for office again.

Marc Carmichael: Thanks for help with publicity at the Daily Student during the Fall semester.

Lynn Coyne: Thanks for volunteering to be the Law Student Division/ABA representative and for creative suggestions throughout the year.

Bob Crews: Thanks for the idea which turned into the "Rubber Thumb" contest which generated considerable interest during last final week.

Dick Donnelly: Thanks for taking the responsibility along with John Fleck for the post-game mixers at the K of C hall and the responsibility for the Law Block at the football games. Also for the Jerome Hall portrait idea.

Steve Dunker: Thanks for taking the responsibility for the arrangements and operation of the Law-Med football game. The spectators loved the free keg.

Ethan Evans: Thanks for consistently offering good ideas without any expectation of recognition. Particularly for taking the initiative and responsibility for the flowers and gift to Mrs. Leffler on her departure from the Placement office.

Muriel Evens: Thanks for being the unofficial gadfly and muckraker. It's very helpful to have someone around who's completely honest--may your capacity for outrage never wane.

John Fleck: See Dick Donnelly supra.

Tom Gallmeyer: Thanks for saying (and meaning) numerous times throughout the year, "I'll take care of it." Thanks particularly for taking complete responsibility for the 1st year orientation program and gathering competent and responsible people to do the job. Also for the Judge Dice program publicity.

- Harry Gonso: Thanks for your cooperation in helping to promote interest in the Law-Med game and for your willingness to help out in promotion of the Ali-Frazier fight.
- Phil Graham: Thanks for help in your IDS capacity last summer in helping us to agitate against the Gooker "Meter Madness" plan. Also for co-sponsoring (Phi Delta Phi) the Berry-Wilder debate last fall.
- Jim Heupel: Thanks for taking the responsibility for gathering the votes of Jan. grads for the Gavel award--and for bringing the Appeal editorial staff up to date with your letter on the same subject.
- Thad Hodgdon: Thanks for your contributions to the planning and execution of the Law-Med game.
- Mike Huston: Thanks for your interest and good luck to you.
- Marty Klaper: Thanks for your help, feedback, and time throughout the year. Particularly, the frustrating ECNA and city council meetings on the parking meter flap last summer; the responsibility for the practicing attorney's panel; and for your efforts in squeezing blood from faculty turnips with a "low key" approach in gathering \$200 in contributions from some faculty in exchange for their "complimentary" tickets to the Ali-Frazier fight.
- Bobby Kullgren: Thanks for surrendering your personal copy of the framed photo gift so that we could present it to Mrs. Leffler prior to her departure.
- Jay Larkin: Thanks for doing your part to bring right and left together (for once) verbally and editorially over "L'Affaire Kunstler" last fall.
- John Lobus: Thanks for being a willing (perhaps "eager" is the word) volunteer and for having the guts to throw your hat in the ring as well as brickbats from the sidelines. Most people content themselves with the latter.
- Bob Long: Thanks for agreeing to serve as an SBA appointee to a faculty committee.
- Bruce McLean: Thanks for accepting an SBA appointment to the heavily worked curriculum committee and for doing an outstanding job in spite of the demands on your time.
- Joel Mandelman: Thanks for your suggestion to bring Attorney General Mitchell down from Indianapolis. The defense rests.
- Al Manns: Thanks for accepting appointments to the Admissions and Scholarships committee.
- Terry Mumford: Thanks for taking part in the AALS student feedback session as a first year representative student.
- Steve Paul: See Al Manns supra.
- Ron Payne: Thanks for an outstanding job on the Curriculum Committee.
- Ron Prusek: Thanks for helpful ideas, feedback, and individual initiative.
- Bill Replogle: Thanks for accepting an appointment to the administrative policy committee.
- Bob Scott: Thanks for serving as a first year representative and providing your time and energy on behalf of the first year class.
- Steve Sherman: Thanks for accepting a faculty committee appointment and running for Senior Rep for the 71-72 school year.
- Tom Shriner: Thanks for help throughout the year in meetings and time expended but particularly thanks for taking the Law Day responsibility and for your initiative in recruiting and sending law students into junior and senior high schools in the local area to present Law Day associated programs. Thanks for an otherwise thankless job.
- Greg Silver: Thanks for accepting a faculty committee appointment and for all the help during last Spring's Cambodia period.



Bill Skees: Thanks for an outstanding period of service and valuable time expended on the Curriculum Committee. The entire school has benefited from your service.

Ben Small: Thanks for accepting, along with Greg Silver, an appointment to the student recruitment committee. The potential was there.

Milt Stewart: Thanks for your work on the Ali-Frazier fight which netted next year's Junior and Senior classes an additional \$2100 in scholarship money. Also for your help throughout the year but particularly Law Day and the program with Bill Kunstler. Also, I know most of this year's Senior class are in your debt for taking their case against the "accelerateds" to the faculty and winning major changes. Of course all the accelerated students hate your ass but that's what a senior rep is for.

Steve Trattner: Thanks for bringing us the idea for sponsoring the fight and laying the initial groundwork and for all your hours spent in agitating for grade reform last year with the Student-Faculty Ad Hoc Committee.

Peggy Tuke: Thanks for all the cats and dogs and garbage work that has to be done by someone. Thanks for bearing up under all the flak shot your way and for your help with the accounts and the Kunstler visit.

Doug Van Winkle: Thanks for being "available" to work the desk or do a favor instead of being too busy.

Bruce Wackowski: Thanks for your time and effort expended as a member of the Administrative Policy Committee. Also for your humor and the most interesting carrel in school.

The (formerly) honorable Tom Zieg: Thanks for your incomparable presence.

THE Stanley Levko: See Tom Zieg supra.

Les Nims: Id.

Secretarial Pool: Thanks for all the rush typing jobs that had to be done yesterday and special thanks to Ginny Timmons for all the great signs she created.

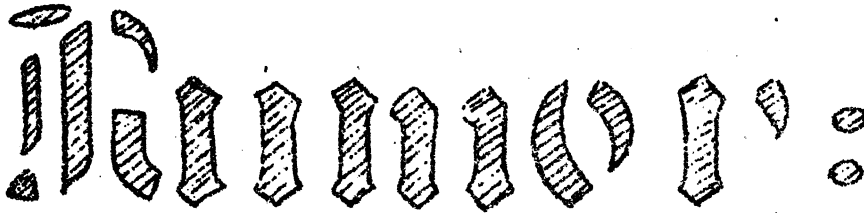
Phil Thorpe: Thanks for being available for assistance but not interfering. We probably blew it at least once by not asking you for help.

Reed Dickerson: Thanks for being responsive to student dissatisfaction and for attempting to explain your rationale for what seemed like an irrational decision to change grades months after the fact. Also, we greatly appreciate your initiative in seeking out the SBA to sponsor the Campus Unrest Team from the Justice Department and in offering Barry Goldwater (conflict with Mr. Tarlock's previously scheduled environmental law symposium) and Dick Gregory whose transportation problems required a last minute cancellation.

Dean Harvey: Thanks for demonstrating that the impossible is possible--even if only momentarily, by bringing the entire student body together (with maybe one exception) over the denial of the use of the moot court room to Bill Kunstler.

Collectively, thanks to those 8 or 10 faculty members who voluntarily "contributed" \$20 apiece for their complimentary fight tickets and thanks to the majority of the faculty who supported the Law Day dinner.

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#### KEEPING ON TOP OF TRUST PROBLEMS

This case of trust, I do declare,  
I find it not to merit fare.  
First came the plaintiff, all alee,  
Who seemed to brim of perjury.

The sole benefici'ry  
He came to claim his remedy.  
He said the trustee was a Red,  
And kept the corpus in his bed.

The res at interest was to run,  
To pay my man 'till twenty-one.  
The corpus in this case so rare,  
Was a maiden young and fair.

To debtor's prison she'd been sent;  
Then put upon the rack and bent.  
The warden filled with knavery,  
Had sold her into slavery.

Upon the auction block she stood,  
And fetched a price that's very good.  
My client's father purchased her,  
For all his aches and pains to cure.

Alas she was too much for him;  
For he no more was young and trim.  
He fought to keep his life so dear,  
But rendered up the ghost, in fear.

He died intestate as he must,  
But gave his son a gift in trust.  
The causa mortis gift to son  
Was his to have and hold in fun.

But legal title to the wench,  
Went to the trustee to clench;  
Beneficial use and cash  
Go to my man to use, not rash.

(cont'd)

A spendthrift trust it was in name,  
My client could not sell the dame.  
But still the use was his alone,  
The trustee could not touch a bone.

Bare legal title the trustee's sent;  
He may not buy or sell or rent;  
Therefore there is no cash to pay,  
The trust is passive to this day.

The Statute Use won't set her free,  
My client owns the maid in fee;  
Although he be not twenty-one,  
He alone may have the fun.

The trustee even be he red,  
Must send the wench to sonny's bed.  
Although the trustee we here chide,  
Politics do not decide.

A red he may be, or may not,  
It will not change the case a lot.  
The legal ground for court decision,  
Is simply on the trust arisen.

A passive trust the law has stated  
Will execute and be deflated.  
This case is simple and correct  
The verdict must the court direct.

Plaintiff now must pay back taxes,  
Before he with the wench relaxes;  
And when crossing state lines aplenty,  
Beware the rule in Caminetti.

Of course, if plaintiff did here lie,  
In court a jury will him try.  
And if with guilt he be replete,  
His property will all escheat.

Then to the gallows he'll be run,  
And at the end of rope be swung.  
And then the maid for legal fee,  
Will for 'ere belong to me.

The Masked Monsignor

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"THE MENS' RIGHTS CASE"

PER CURIAM. Petitioners, a group of male law students at the Indiana University School of Law brought this class action to enjoin respondents, Officials of the Law School, from denying them equal protection under the law. The suit is here following the Court of Appeals' affirmance of the trial court's granting of a directed verdict for the respondent. We reverse, remand and grant judgment for the Petitioners.

Petitioner's complaint alleges that the respondents have denied and will continue to deny them equal protection in that the restrooms at the Law Building are malapportioned between the female and male law students enrolled in that institution. Alternatively, Petitioners allege that respondents require or permit segregation in the areas in question according to sex. In both sections of the complaint there is the requisite allegation of inadequate remedy at law and irreparable injury.

As to the facts on which petitioner's complaint is drawn there is no dispute. There are more than ten times as many male law students at the school as there are female law students; the restroom facilities on the first three floor of the floored Law Building are equally apportioned between the sexes (as this suit is brought by mere students this Court does not need to deal with the issue of the faculty restroom on the fourth floor). The personal stake that each of the petitioners have in this is alleged to be a loss of class time due to the overcrowding of the male facilities during the between class break; the women, due to their few numbers are able to use their facilities without waiting in line. Without saying more, this Court would be inclined to grant judgment for petitioners. However, the respondents advanced several legal theories in defense.

First, respondents theorize that any wrong suffered is the result of private and not state action, the 14th Amendment not being applicable. The Law School is a major department of Indiana University, a state supported institution. It receives a large portion, if not all, of its budget from the University. Hence, we do not consider as conclusive respondents' evidence that a large portion of its operating expenses are paid for by the sales of "required readings" to its students. (Testimony of Profs. Hopson, Boshkoff, Sherman). The Law School has a history of over 100 years association with the state of Indiana and its educational system. We do not consider the testimony of Dean Harvey to the effect he has tried to sever this relationship as conclusive; his further testimony that the school will soon be teaching only African Law not only ignores this present relationship, but is self serving on his part. Nor do we find it conclusive that some faculty members have exhibited little interest in membership in the Indiana Bar. We hold that "state action" was present in this case.

Second, respondents theorize that if the Law School is a state institution, its population should be considered with the total University in the apportionment of restrooms. Respondents offered evidence in attempt to prove that the Law School was "just like any other liberal arts department in the University." Prof. Birmingham testified that other curriculums were taught in his classes, for example, economics, mathematics, and sociology. Prof. Nolan testified that he actually taught in another department. Prof. Pratter testified that his students "didn't learn a lot of law" in his courses; this witness also testified that he was only told that there were law students in his classes, although he could not be sure.

Former Ass't Dean Thorpe testified that the law school administration followed the rest of the University in adopting new examination schedules during the "Spring troubles of 1970"; we do not feel that this is conclusive on the question of the Law School's identity, or integrity, within the university for the reason that it does not follow that if two university administrations are "squishy soft" on demonstrators that it must be the same administration. Nor do we find the testimony of Miss Parsloe, who claimed she did not teach anything at all in the Law School (which the fact finder no doubt found incredible), conclusive on the question of what was being taught in the Law School. We therefore hold that the IU Law School is still sufficiently distinct from the total University to have its restrooms apportioned amongst its own students only.

Third, respondents theorize that if the restrooms have to be apportioned among law students, then nearby facilities should be included in the apportionment. The Law Building is located at the intersection of an old state highway (3rd Street) and Indiana Ave.; these are both very busy thoroughfares. At one corner is a gasoline service station which provides restroom facilities for both sexes. Other buildings across from the Law School do not have such facilities. Immediately to the east of the Law is a large wooded area. We consider these alternatives inadequate to exonerate respondents of their duty to provide restrooms on an equal basis. Crossing a heavily travelled street would publically expose petitioners to unnecessary risks and in fact would cause them to miss even more class time. Much the same could be said about the nearby wooded area. As we have said before, "That constitutional activity can be easily performed elsewhere is no reason to deny it in another."

We believe that a brief mention of long standing constitutional precedent will decide this case. To paraphrase the language of the school desegregation case, segregation of restrooms with sanction of law has a tendency to retard the educational and mental development of law students. Furthermore, we feel our decision is compelled by the language of the "one man-one vote" reapportionment cases: All men are equal in the voting booth. That language should apply to the booths in this case and the term "men" is to be considered generically.

We therefore reverse, grant judgment for the petitioner and remand to the trial court for appropriate relief.

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State of the Law School  
William B. Harvey

May 5, 1971

It is a great pleasure for me to have again the opportunity, under the sponsorship of the Student Bar Association, to report to the students, faculty, and staff on the State of the Law School. I think I can report in very summary form that the state of the Law School is sound--somewhat like a young person, energetic, vital, impetuous, sometimes precipitate, but bursting with energy, ideas, ambition, and aspirations to be better than it is today. A good law school is made up of a relatively small number of components: good students, good teachers, a fairly limited number of books, some space. I'd like to divide the report tonight into some comments on each of these categories of resources: faculty, students, our curriculum, and our resources. Then I will give you an opportunity to raise questions.

### The Faculty

This year the gross count of all faculty, including our instructors whom we regard very much as members of our faculty, was 31. In trying to determine the adequacy of a faculty of that size for the teaching program, it is conventional to speak of a student-faculty ratio. But in order to do that realistically, the gross number should be discounted because of many commitments beyond the teaching program that members of the faculty have. Several have substantial commitments to the administration of the School. A further discount might be justified in the light of services rendered to the University, to the local, state, and national communities, and to various professional organizations. For present purposes, however, I will discount our 31 faculty members only for their internal administrative commitments. On that basis we show this year a student-faculty ratio of about 19 to 1. Next year we will have a net increase of two faculty members but a significantly larger student body, so that we really cannot anticipate any real improvement in the student-faculty ratio.

In many respects, however, the determination of the adequacy of the teaching staff by reference to a ratio is not especially helpful. Indeed it may be misleading. There are some things a school wants very much to do but simply cannot do or cannot do well, except by relating students to faculty in much closer to a one-to-one relationship than our present staff will permit us to do. I think particularly of our clinical programs which are absolutely cannibalistic when it comes to faculty manpower. If we are going to move in the direction of diversification of teaching technique, enrichment of the curriculum in many areas, and development of our clinical programs, we must find ways of adding substantially to our teaching staff. I will recur to this theme a little later when I talk about resources.

Besides the group of new instructors, whom I will mention in a moment, we have made three regular faculty appointments this year to take effect with the beginning of the next academic year. Let me tell you just a bit about our new colleagues. Morris Arnold did his undergraduate work at Yale and at the University of Arkansas and earned his basic law degree at the University of Arkansas. Next came graduate work at Harvard where he has recently received the degree Doctor of the Science of Law. He is now at the University of London carrying out a program of research in legal history. Mr. Arnold, when he joins us next Fall, will be working primarily in Property and Legal History, his long-standing interests. However, in the light of our recent curriculum developments, he has discovered somewhat to his surprise perhaps, an interest in Constitutional Law which will be reflected in his program next year.

The second of our new appointees is Henry Richardson. A Hoosier coming home--he is a native of Indianapolis--Henry Richardson did his undergraduate work at Antioch College and his law study at Yale. Following his graduation from Yale he served for a period of two years as international legal advisor to the government of Malawi. Since returning from Malawi, he has been engaged in graduate study at the University of California at Los Angeles. I mentioned Mr. Richardson with special pleasure because he will be the first Black member of this faculty. This is not a symbolic gesture. As a matter of fact, we have no interest in gestures. We are interested in diversifying this faculty and thereby enriching it. Because we were not interested in gestures, we held off until we could make an appointment of a highly qualified man. I hope, indeed, I have every expectation, that in the years to come the ethnic diversity of this faculty will increase, and I look forward to that prospect with real pleasure. Mr. Richardson will teach in Torts and certain aspects of the international law field. He probably also will move into Criminal Law where he has strong interests which will fit well into our developing curriculum.

The third appointee is not a stranger to many of you, at least those students who began their study of law in this School in the Summer of 1970. Professor Roland Stanger, who visited with us that Summer from Ohio State University, will join us on a permanent basis in August. He is a graduate of the University of Michigan Law School; he has had a long and distinguished career as a member of the faculty at Ohio State University and taught for a period at Haile Sellassie I University in Ethiopia. His primary field of interest is teaching first-year students. It doesn't really matter very much what he teaches them, just so they're first-year students. He has managed usually to find very satisfying opportunities in teaching what is very obviously the greatest of all first-year courses, Contracts. He, too, has subject matter interests in International Law and will share the teaching in our somewhat expanded program of International Legal Studies with Professors Fatouros



and Richardson. I take special pleasure in the appointment of Professor Stanger because of the great commitment that he has made to and the great success he has enjoyed in the teaching enterprise.

We also have a new group of instructors joining the faculty next year-- Richard Boyle, Bennie E. Goodley, and Ronald I. Friedman. The first two are our own graduates. Mr. Friedman will graduate in June from the Law School of New York University.

When reporting gains, one must always keep losses in mind. We have had a loss from the faculty this year with the resignation of Professor W. J. Wagner, who will join the faculty of the University of Detroit in September. I would like to take this opportunity to express, for myself and, I am sure, for my colleagues on the faculty, our appreciation to Professor Wagner for many years of very devoted service to this institution and our very warm and cordial good wishes for his success at the University of Detroit.

### Students

May I turn now to our students. I don't want to belabour you with statistics, but I think some details on our student body may be of interest to you. During the first semester of this year, we had 240 first-year students, 128 second-year students, 119 third-year students, and 11 graduate and special students, for a total of 498. In the second semester, there are 230 first-year students, 145 second-year students, 86 third-year students (the decrease reflecting mid-year graduation) and 6 graduate and special students for a total of 467. You can see that the student population in the School this year was very heavily slanted toward the first-year. Indeed, somewhat better than 50% of the students in the School this year were in the first-year class. That fact has some substantial implications for us as we plan for the future, but more on that later.

I would note two aspects of our student population this year that give me a great deal of pleasure. The first is the increase in the number of women students in the School. There were 36 women in School during the first semester and 33 in the second semester. Also our minority group students increased very significantly this year. There are two Black students in the third-year class, three in the second-year class, and happily we started the present academic year with nineteen Black students in the first-year class.

I believe we can anticipate a considerably larger second-year class next year than we had this year. Experience has shown that as our student body has changed, the losses, both through voluntary withdrawal before examination and through academic attrition at examination time, have gone

down markedly. We expect that trend to continue. This means that we expect well in excess of 200 students to emerge from this year's first-year class and move on to the second year of study in the School. This expectation affects our capacity to accept new students. In planning our admissions for next year, our objective, geared to the capacity of the building, has been to admit a class of 200 students. You will recognize that a class of that size would be significantly smaller than the class that came in last September.

May I report to you briefly where we stand with respect to next September's entering class. As of the 3rd of May, for the 200 places planned we had received 1281 applications. Of these, 694 were from residents of Indiana, 585 from other states, and 2 from foreign countries. On the same date last year we had received 803 applications. Those of you who are skilled in quick calculations will recognize that the application flow as of the 1st of May this year shows an increase over last of approximately 60%. The national increase is expected to be up about 30%. Now among these almost 1300 applicants thus far we have offered admission to 319 and with real regret in many instances we have had to deny admission to 580. On the same date last year we had denied admission to 165. We have 211 students now confirmed for what putatively was a class of 200, and we have 60 strong candidates on a waiting list.

Two other statistics on those who have been confirmed for next year may be of interest. Again we anticipate a significant increase in the number of women students, with 25 women confirmed. Of the minority group students, most of whom are Black, we currently have confirmed 17. We have offered admission to a somewhat larger number, but only 17 thus far have accepted our offer of admission. My best judgment, and I think Professor Popkin, who works much more closely with these matters than I, shares this judgment, is that the principal difficulty in moving ahead, rather than moving backward as we now appear to be doing with our minority group in-take, is the relative unavailability of fellowship resources.

Finally, a word about the credentials of the class that will be coming in. The average Law School Admission Test score of the students who have been confirmed for next Fall is 609. The median Law School Admission Test score 614, about the 83rd percentile nationally. The average undergraduate grade point average of the group is 3.09 and the median 3.11. Obviously, in looking at this aspect of our community we have reason to be pleased. We are continuing the upward trend in quality which has been reflected in the admissions to this School for several years. We will have a strong first-year class and I think this reflects in part the increased drawing power of this School. At the same time, I confess a feeling of real concern over the necessity we encounter of denying an opportunity for a legal education here to a substantial number of students who, if admitted, would be expected to succeed in the study of law and be able to serve their communities well. I am concerned that a great many students across the country are going to be unable next Fall to find admission

to any law school that is compatible with their own self-image and with their expectations and aspirations for a legal education.

May I turn now to the placement of our students during the current year. First, I would like to say how greatly we regretted the loss of Mrs. Evelyn Leffler who came to us at a time when there was really no organized placement service in the School and did a marvelous job of developing the program. We could not stand in her way when a very attractive opportunity arose; so we wished her Godspeed in her new position. We were delighted and considered ourselves extremely fortunate to be able to bring in Mrs. Ann Mitchner to succeed Mrs. Leffler as Placement Supervisor. I'm confident that the succeeding classes in the School will find Mrs. Mitchner sensitive to their needs and interests. She is anxious to provide every service and resource possible as you move on into the profession.

Mrs. Mitchner has given me some data on placement through April 30, which I hope will be of interest to you. The January, June and August graduates this year comprise a group of 137 students. Of these, 114 provided information to the Placement Office and sought assistance. Most of the figures I will give you are related to the 114 persons who actually registered with the Placement Office rather than to the total class. As of the 30th of April, 76 students reported that they were placed. This is almost exactly  $2/3$  (66.6%) of the registrants. 21 students (18.4%) reported themselves as not yet placed. 11 students (9.6%) had a military commitment that effectively took them out of the placement market. The 6 remaining students (5.3%) include some entering fields other than law, some who are in final negotiations but not yet firmly placed, etc.

In a period when a larger measure of caution or hesitancy has appeared in the market, I am pleased and reassured that such a large percentage of our class has been placed. Of those who reported that they had accepted positions, 44 (about 58%) are remaining in the state of Indiana. 32 (approximately 42%) are going to other states, ranging from Alaska, Oregon, and California to New Jersey, New York and Pennsylvania.

Income statistics probably don't interest law students. I'm a little reluctant to give you these figures, but I hope you'll bear with me. The smallest income reported by any of the 41 of our current seniors who disclosed the terms of their financial arrangements was \$8,400 with a small Indiana firm. The highest beginning income, which was in a 68 man West coast firm, was \$15,000. The average for students going out-of-state was \$12,647, the in-state average, \$10,498. Those figures exclude bonus arrangements which did obtain in a number of instances.

The private firms continue to dominate the placement scene. 43 of our graduates (37.7%) are going to private firms. 17 (14.9%) have taken positions

in government. 7 (6.14%) will begin their careers with judicial clerkships. 3 (2.13%) are joining corporations, and a similar number will take teaching positions. The remaining 3 will go into such activities as publishing, etc.

### Curriculum

May I turn now to a few comments on our curriculum? As most of you know, we devoted most of our attention this year to the first-year curriculum. Our objectives were fairly clear and, I hope, understood by most of our students. We sought to develop a sound program which would relieve the excessive burden which traditionally had been placed on first-year students, spreading graduation requirements somewhat more evenly over the three years. We thought there was value in giving opportunities to first-year students to exercise some choices on what courses they would pursue. We thought it desirable to include a public law component in the first year, and we also thought the program might profitably be restructured so as to provide more evaluation and feedback opportunities for our students. After long deliberations in the Curriculum Committee, open hearings for faculty and students, and agonized discussions in faculty meetings, I think we achieved most of these objectives. Had we not achieved any of them, however, I think there would have been great value, for the faculty at least, in the remarkably frank exchange of views about curriculum and curricular objectives. It was an educational experience for all of us to see the extent to which there is diversity of view among strong-minded people, and we came to appreciate more than ever the necessity for compromise in shaping our program. Despite the disappointments of some, I think the achievement was substantial. We will have a reduced program in terms of both credit hours and numbers of courses; in the first semester we will introduce Constitutional Law as a required course, and we will give students an opportunity for beginning electives in the second semester.\*

I would like publicly to express my sincere gratitude to the Curriculum Committee. Under the chairmanship of Dean Boshkoff, the Committee included

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\* The full program approved by the faculty on a one-year trial basis is as follows:

#### First Semester

Contracts - 3  
Civil Procedure - 3  
Constitutional Law - 3  
Torts - 4  
Legal Writing - 1

#### Second Semester

Contracts - 3  
Civil Procedure - 3  
Moot Court - 1  
Electives - 5 to 8

Professors Getman, Parsloe, Jones, Germain, and Sherman, as well as three student members--Bruce McLean, Bill Skees, and Ron Payne. All of them devoted an absolutely enormous amount of time, energy, and careful thought to making this curriculum revision possible.

Again this year, there has been some development of our clinical programs. We have begun, on an experimental basis, internship arrangements in the offices of the prosecuting attorneys for Monroe and Owen counties. We have begun also on a very modest basis a public defender program in the United States District Court for the Southern District of Indiana. Under Professor Getman's guidance we have had this year a clinic in employment discrimination. Next year we will begin under Professor Parsloe's direction a clinic in parole problems. We will not be able, however, to go very much further in these directions unless we can improve significantly our resource situation.

Finally, in terms of our program, we will have in your hands within the next week or two, well before the enrollment in the Summer Session, fairly firm course and seminar projections for the 1971 Summer Session, the academic year 1971-72, and 1972 Summer Session. We have been trying to move toward this for some time, but uncertainties of staff, coupled with uncertainties on the shape of the curriculum, have made long-range programming difficult. I think we are in a position now to present to you at virtually every enrollment period projections of our offerings for a full year. We believe this will aid you considerably in the planning of your program.

### Resources

I turn now to the final item; this has to do with our resources. It would be carrying coals to Newcastle for me to report to you on the action in the recent session of the Legislature. There was no significant tax reform and the appropriations for Indiana University were disappointing. I think it is fair to say that the increased support for the University left the Bloomington campus at some disadvantage. The belief obtained--and it is not an entirely unreasonable belief--that Indianapolis and regional campuses made a stronger claim for growth and development money than we did. The consequence was that when I waited upon the Chancellor at budget time, I was informed that, though we had considered initially a spectrum of budget possibilities, we were talking effectively then only about a budget which would increase the 1971-72 resources of the School of Law by 2%. In a period when the inflationary factor is approximately 6%, this obviously was confining.

The first obligation to which I felt it necessary to respond in the 1971-72 budget related to faculty salaries. Our manpower is our central resource. To preserve it we must strive to provide fair compensation on a scale comparable

to that in schools of similar quality. Therefore, in order to achieve increases in faculty salaries somewhat closer to the inflationary percentage and to move our scale somewhat closer to an acceptable competitive position, I committed all of our 2% increase to the faculty salary budget. Indeed, to the same ends, I transferred some funds from other lines of the operating budget. These steps still left us far short of appropriate compensation for the faculty, but they were the best I could do.

As a result of the priority accorded to faculty salary adjustments, we will operate next year with fewer dollars in virtually every line of the operating budget. For example, our funds for wages--compensation to part-time clerical help, student research assistants, etc.--will be down by about 26%. The resources we have for office operation--stationery, stamps, telephones and such things--will be reduced next year by 27%. The funds available for faculty and student travel, and visits in connection with recruitment of faculty, will be down by 47%. Funds available for the purchase of books in the library will be 14% under this year's level. The only other categories of expense that I could control but chose not to reduce cover our student assistants and our professional staff in the Law Library. These resources are too critical in making the Law Library a usable tool for the student body and the faculty to permit reductions. Obviously we are in for a period of belt-tightening of a rather extreme kind.

Now a word about fellowships--something, I know, is of great concern to many of you. Last year there were some central administration rearrangements on our fellowship funds which pulled them out of the budget of this School and put them into a budget in the central administration. One of the unexpected consequences of that move was that I did not have this year an effective opportunity to present the fellowship needs of our students before an allocation was made. I understand that Vice-President Merritt had exactly the same amount of money in his budget for fellowships for next year as he had this year. Therefore, he thought it fair to allocate to the School of Law the same amount. We have received no increase in University support for the fellowship program, not even the nominal 2%. Since I had used for fellowships this year every accumulation of expendable money I could find, not believing it prudent in the face of present student needs to save for an uncertain tomorrow, I recognized that some of our current funds were non-recurring and that there was a possibility that we would have less money for 1971-72 than we have for the current year. That is the present posture. Neither University support nor alumni giving has increased significantly. As of the moment, our scholarship resources in anticipation for next year are 14% less than they were this year. We are continuing to try to increase those resources so as to make legal education feasible for as many students as possible. As I indicated earlier, however, I think that the enrollment of some students to whom we have offered admission will be prejudiced by lack of a fellowship. It may well be that students now in the School will also be prejudiced, having to work more than they should or perhaps, in extreme cases, simply not being able to continue their studies.

Finally, a word on space. We must have space in which we can keep books for your use. We must have offices in which faculty members can work. We need space in which student organizations can carry out their programs and activities. Our space in this building, ladies and gentlemen, is exhausted. The putative stack capacity of the Law Library is 140,000. Our holdings now are about 133,000. One does not exhaust the working space in a Library only when one reaches the putative stack capacity. A library must have maneuvering room. There are many things that we would like to do in reorganizing and improving the Law Library that we cannot do because we do not have the space. Unless space can be found, we are not going to be able to make further additions to the faculty. Unless space can be found, we are not going to be able to give the support we would like to give to student activities such as the new public interest law group, or to enlarged clinical programs.

In conclusion, I can report to you with real conviction that I see here a strong, vigorous School of Law with an excellent student body and faculty; a School that is growing in stature and esteem. I believe that our changing image is fully justified by the reality that stands behind it. At the same time, I would confess growing concern over the future. If new resources provided to us are below the inflationary percentage, we have a reduction. Growth is life. With a young, able, and vigorous faculty, I am not at all sure that we could stabilize the operation and merely hold our own, even if that were our objective. We must give serious thought to ways in which this School can respond more fully and appropriately to the necessity for providing adequate opportunity for legal education to the growing numbers of young people who see the legal profession as the way to express their concerns about the world in which they live and in which their children will live. It is my hope that we will be able to increase the resources available through University channels and also to find new sources.

May I conclude with a personal addendum. This is the fifth State of the Law School talk that I have had the privilege of giving to the students, staff, and faculty. I suspect the time for respite has come. Unless there is an unexpected change, I expect to spend most of the next academic year in East Africa. Recognizing the uncertainties of life and events in Southern Indiana as well as in East Africa, I make this announcement with a certain tentativeness. But, God willing, the 1st of August, Mrs. Harvey and I will leave for Kenya where a very young law faculty in a young country is trying to get on its feet. I hope to be able to make some modest contribution to its growth and development. In my absence, my esteemed friend and colleague, Dean Boshkoff, will serve as Acting Dean of the School.

This concludes my remarks. I would be glad to take a few moments, if you would like, to respond to any questions you may have.

(A question and answer period followed. )